

BAKER BOTTS LLP

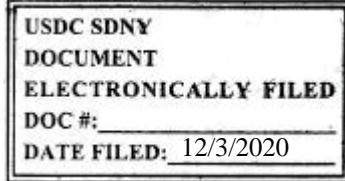
910 LOUISIANA
HOUSTON, TEXAS
77002-4995
TEL +1 713.229.1234
FAX +1 713.229.1522
BakerBotts.com

AUSTIN
BEIJING
BRUSSELS
DALLAS
DUBAI
HONG KONG
HOUSTON
LONDON
MOSCOW
NEW YORK
PALO ALTO
RIYADH
SAN FRANCISCO
WASHINGTON

December 2, 2020

BY ECF

Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007



Katherine A. Brooker
TEL: 713.229.1222
FAX: 713.229.7922
katherine.brooker@bakerbotts.com

Re: Case No. 19-cv-06386; *BDG Gotham Residential, LLC and ZDG, LLC v. Western Waterproofing Company, Inc. d/b/a Western Specialty Contractors and Western Surety Company*; in the United States District Court for the Southern District of New York.

Dear Judge Nathan:

We are the attorneys for Western Waterproofing Company, Inc., a Defendant in the above-captioned action. On behalf of Western Waterproofing Company, Inc. and co-Defendant Western Surety Company, we write to respectfully request an extension of time to respond to the complaint.

Previously, Defendants filed Motions to Dismiss the Plaintiffs' Amended Complaint. On November 20, 2020, the Court issued a ruling on Defendants' Motions to Dismiss, denying Western Waterproofing, Inc.'s Motion to Dismiss and granting Western Surety Company's Motion to Dismiss. Following the Court's ruling on November 20, 2020, Defendants' deadline to respond to the Amended Complaint is December 4, 2020.

SO ORDERED

Defendants now respectfully request an extension of their respective deadlines to answer the Amended Complaint from December 4, 2020 until December 31, 2020.

We have contacted counsel for both Plaintiffs, and they have consented to Defendants' request for this extension, subject to an agreement that Defendants file an answer to the Amended Complaint rather than another response or motion. All parties are in agreement.

Thank you for your consideration.

Very truly yours,

Katherine A. Brooker

BAKER BOTTS LLP

Honorable Alison J. Nathan

- 2 -

December 2, 2020

SHR:ec

cc (by email):

Allen J. Ross, Esq. (attorney for plaintiff BDG)
John S. Wojak, Jr. Esq. (attorney for plaintiff BDG)
Gregory H. Chertoff, Esq. (attorney for plaintiff ZDG)
Steve Rittmaster (attorney for defendant Western Surety)
All counsel by ECF